

**Wichita Police Department Policy Manual**Approved by: *William L. Hurley***Policy 708 - Physical Evidence/Found and Personal Property**

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Maintained by:  
Technical Services

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**GENERAL GUIDELINES FOR TURNING IN EVIDENCE AND PROPERTY**

- 708.01 When submitting items of physical evidence, found property and personal property, Department members shall group these items giving consideration to ownership, location of storage, type of examinations that will be requested, and whether the items are evidence, found, or personal property. All items of evidence will be correctly marked, identified and submitted to ensure evidentiary value. Property bags or envelopes containing items of physical evidence or found or personal property shall be sealed with evidence tape and marked with the officer's initials and identification number. Staples shall not be used to close any bag, envelope, or outermost container and may only be used to affix property receipts or lab request forms.

**OFFICER RESPONSIBLE FOR SUBMITTING PHYSICAL EVIDENCE**

- 708.02 An Officer is responsible for collecting and turning in all evidence connected with a case for which he/she is the reporting officer, except when a Crime Scene Investigator is requested and responds to the scene. Under these circumstances, the responsibility to submit evidence shifts to the Crime Scene Investigator, unless directed otherwise by a supervisor. The Crime Scene Investigator is responsible only for the physical evidence associated with the crime scene. Disposition of personal property connected with the incident remains the reporting Officer's responsibility. Unless exigent circumstances or officer safety is an issue, any Officer who disturbs the original condition of any evidence shall be responsible for submitting it.

**SEARCH WARRANTS AND WAIVERS TO SEARCH**

- 708.03 Unless directed differently by a supervisor, Crime Scene Investigators assisting with serving a search warrant or waiver to search shall be responsible for photographing, collecting, and submitting only physical evidence specified in the search warrant. Crime Scene Investigators will do so only if said evidence has not been moved or tampered with in any manner.

**OFFICERS PROCESSING OF MINOR CRIME SCENES**

- 708.04 The decision to process a minor crime scene is left to the discretion of the Field Supervisor and the Officer trained to take photographs, lift latent fingerprints, and/or collect and preserve biological/DNA evidence.
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- A. Only Officers who have received special training shall be permitted to conduct fingerprint and DNA collection efforts, and they are allowed only at minor crime scenes (e.g. auto thefts, larcenies from auto, simple burglaries, etc.). Minor crime scenes are defined as non-death related incidents that can be quickly processed and limited to the collection of photographs and/or other evidence not requiring the technical expertise of a Crime Scene Investigator for its collection and preservation.
  - B. Officers who collect latent fingerprints shall place all lift cards into a 5" X 7" evidence envelope and shall submit them as evidence, on their own receipt, separate from other physical evidence, at any WPD evidence locker. The Property and Evidence Section shall be responsible for picking them up on a daily basis (on regular workdays) from all WPD evidence lockers, and deliver them to the WPD Laboratory Section.
  - C. Officers who collect DNA samples/swabs shall place them into the appropriate paper container, seal them in a separate paper evidence envelope by themselves, and submit them as evidence at any WPD evidence locker. The Property and Evidence Section shall be responsible for picking them up on a daily basis (on regular workdays) from all WPD evidence lockers.
  - D. Officers who collect or attempt to collect latent fingerprint lifts and DNA samples/swabs shall make a notation to that effect in the Incident Report.

**LOCATIONS FOR SUBMITTING EVIDENCE AND PROPERTY**

- 708.05 Twenty-four (24) hours a day, seven (7) days a week [including holidays], all physical evidence, found, and personal property shall be submitted either to the Officer Evidence Turn-in Area of the Property and Evidence Facility located at 410 N. Waco, the hazardous storage area located at 430 N. Waco [North end of the Rounds and Porter Building], or to the evidence lockers at the Patrol sub-stations [Patrol North – 3015 E. 21st St., Patrol East – 350 S. Edgemoor, Patrol South – 211 E. Pawnee, and Patrol West – 661 N. Elder] except as provided in Sections 708.09 through 708.30.

**ACCESS TO EVIDENCE TURN-IN AREA AT PROPERTY FACILITY**

- 708.06 Entrance to the Officer Evidence Turn-in Area at the Property and Evidence Facility is gained through the marked door on the west side at the Property and Evidence Facility. Officers must use their WPD identification/proxy card to gain access to the facility and to deactivate the alarm system. The Officer must also reactivate the system using their ID/proxy card when leaving the facility.

## GENERAL PRINCIPLES FOR SUBMITTING ITEMS OF EVIDENCE

- 708.07 Departmental Receipts [Form 322-402] shall be prepared for items of evidence [including found or personal property].
- R The form shall be filled out and shall remain with submitted articles [including bicycles]. Items too large to be submitted in the cabinets at the Patrol sub-stations should be transported to the Property and Evidence Facility and placed in the Officer Evidence Turn-in Area with the receipts. Items such as motors, fenders, and safes are submitted to the hazardous storage area located at 430 N. Waco [North end of the Rounds and Porter building]. The Departmental receipts are submitted to any evidence locker at the Patrol sub-stations, or the Property and Evidence Facility [see 708.23]. Any Officer submitting evidence or property shall promptly contact the Case Desk to enter the case information.
- 708.08 All items of physical evidence shall be marked with the incident number, date acquired, the acquiring Officer's initials and identification number, and shall be properly packaged and/or tagged before being turned in. Small items shall be marked in a manner to allow the Department member to identify them or the container used to package them. All packages of property shall be sealed with evidence tape.

## ITEMS ALWAYS SUBMITTED TO THE LABORATORY SECTION

- 708.09 The following items of physical evidence, along with the required Departmental Evidence Receipts, Evidence Custody Document, and Request for Laboratory Examination shall always be submitted to the Laboratory Section:
- A. Items requiring examination or forensic processing for the collection and preservation of latent fingerprints.
  - B. A separate Departmental Receipt shall be completed for each of the different types of evidence listed above. Officers submitting these items of evidence shall follow instructions posted in the Lab.

## ITEMS SUBMITTED BY OUTSIDE AGENCIES

- 708.10 Items submitted directly by outside agencies shall always be submitted to the Laboratory Section during normal business hours.
- A. Outside agency evidence:
    - 1. Evidence being submitted by another agency for examination/processing in the WPD Laboratory will be received after an incident number is obtained and case information entered by the Case Desk.
    - 2. The Laboratory personnel receiving the evidence will obtain the incident number and enter the information via the Case Desk.
    - 3. The Laboratory personnel receiving the evidence will sign the requesting agency's Departmental Evidence Receipt forms.
    - 4. Outside agency packaging materials and marking shall be retained and submitted to the case.
    - 5. Evidence being submitted by another agency for examination/processing will receive a letter informing the owner (outside agency) that the property is in Departmental custody and that it will be held for a period of thirty (30) days from receipt of the letter. If the property is not claimed during normal business hours by the end of the thirty (30) day period, it will either be destroyed or sold at public auction, in accordance with Title 2, Chapter 2.20 of the Code of the City of Wichita. If the letter is returned undeliverable, it will be made a permanent part of the case.

## FOUND PROPERTY

- 708.11 A combination of Common Law, Kansas Case Law, and Wichita City Ordinance 2.20.020 creates an obligation for law enforcement agencies to release submitted FOUND PROPERTY to either its rightful owner, or to a "person entitled to possession". "Entitled persons" includes those who have found an item [or items] of property, and have turned the property over to the custody of a law enforcement agency.
- R
- A. The Wichita Police Department is required by law to hold found property for thirty (30) days to first accommodate claim by its rightful owner. After expiration of this thirty (30) day period, the property may be released to the "finder" [reporting person] as an "entitled person", if the rightful owner has failed to claim the property. Exception: Found firearm property cannot be claimed by the finder.
  - B. A WPD Officer who comes in to possession of found property must adhere to the following procedures:
    - 1. When a citizen is the finder of the property, direct the citizen to contact the Property and Evidence Facility by phone, 303-8220, during normal business hours for claim procedures.

2. Obtain an incident number and contact Case Desk promptly to enter the data. Case information must be entered before the end of the Officer's shift.
3. Members of the Department are prohibited from claiming any found property which they find while on duty, or from claiming any found property which is turned over to their custody by a citizen while a member is either on or off-duty.
4. Found property should be turned in using the same guidelines given above for submitting evidence, except found property items need not be marked.

#### PERSONAL PROPERTY

- 708.12 Personal property shall be turned in using the same guidelines given above for submitting evidence, except personal property items need not be marked. During the booking process, if a prisoner fails to sign the property receipt, all property will be turned in as personal property and submitted to the Property and Evidence Facility.

Officers who seize or temporarily assume control of personal property shall use reasonable care to protect and preserve the condition of the property until returned to the owner or the owner's designee, or until submitted to the Property and Evidence Facility following proper Department protocols.

Damage to personal property resulting from negligence, carelessness, or failure to exercise proper care will result in disciplinary action.

#### BIO-HAZARDOUS EVIDENCE AND PERSONAL/FOUND PROPERTY

- 708.13 Departmental Evidence Receipts and packages (sacks/envelopes) for evidence, or personal/found property removed from a body cavity or contaminated with blood or other body fluids, shall always be marked with a bio-hazard label or the words "bio-hazard" printed on the receipt and package.

#### SUBMITTING LATENT FINGERPRINT EVIDENCE

- 708.14 Latent fingerprint evidence submitted by Officers shall be submitted in separate 5" X 7" evidence envelope with a separate Departmental Evidence Receipts. The original will be scanned into LaserFiche by Records. Latent fingerprints may be submitted at any WPD evidence locker. The Property and Evidence Section shall be responsible for picking the latent fingerprints up from the Patrol sub-stations to deliver them to the Latent Prints Unit in the Laboratory Section.

#### SUBMITTING BLOOD OR URINE

- 708.15 When submitting blood or urine, the evidence vial shall be sealed with evidence tape and marked by the Officer. In addition, the vial should be placed in a plastic bag prior to placement in an evidence bag and sealed with evidence tape. This evidence shall be placed inside the refrigerator in the evidence turn-in room of Property and Evidence.

#### SUBMITTING DRUG EVIDENCE

- 708.16 All drug evidence and articles of paraphernalia that have drug residue adhering to them shall be submitted at any Patrol sub-station or the Property and Evidence Facility located at 410 N. Waco, Officer-Turn-In-Room, along with the necessary Departmental Evidence Receipts and Evidence Custody Document. The outer evidence-envelope shall be sealed with evidence tape and marked with the incident number, date acquired, Officer's initials and identification number. Scotch tape may be used to make small tags for marking the case number and other needed information on the items inside the evidence envelope.

A. Drug evidence determined to be a "weighable amount", meaning that the substance is visible and/or can be shaken in the corner of a plastic baggie, shall be packaged and submitted separately from other forms of evidence, including items of paraphernalia. Multiple "weighable amounts" of drugs can be packaged in individual containers, which are marked for documentation and/or evidentiary purposes according to suspect and/or the location recovered, and then packaged in one (1) exterior bag.

B. In paraphernalia cases, items of paraphernalia with adhering drug residue shall be handled in the following manner:

1. The item bearing the largest quantity of residue (pipes in most cases) shall be packaged and submitted separately from all other items. In paraphernalia cases involving a single suspect and multiple pieces of paraphernalia, only one (1) item of paraphernalia shall be submitted for drug testing at the Sedgwick County Forensic Science Center. The remainder of the items of paraphernalia shall be submitted together as evidence to the Property and Evidence Facility;
2. If paraphernalia items are recovered from or believed to belong to multiple suspects, items bearing the largest quantity of residue can be packaged in individual containers, which are marked for documentation and/or evidentiary purposes according to suspect and/or the location recovered, and then packaged in one (1) exterior bag;

- C. Items of paraphernalia that are used to store, contain, or conceal “weighable amounts” of illegal drugs shall be handled in the following manner:
1. If the paraphernalia is some sort of container [e.g. vials, baggies, film and/or prescription medicine containers, cosmetics cases, eyeglass cases, wallets, etc.] containing loose drug evidence, the drugs are to remain inside of the container and then submitted at any Patrol sub-station or the Property and Evidence Facility.
  2. If the paraphernalia is a container (such as those described above) containing “weighable amounts” of drug evidence that is then self-contained (in separate baggies, for instance), all contents should be left inside the exterior container and then submitted at any Patrol sub-station or the Property and Evidence Facility;
  3. If the paraphernalia is an article of clothing in which otherwise unprotected “weighable amounts” of drugs were found [this includes, but is not limited to: hats, socks or shoes, shirts, pants, sweaters and coats or any other garment that has pockets], the paraphernalia is to be separated from the drugs and both are to be packaged and submitted separately at any Patrol sub-station or the Property and Evidence Facility, along with the necessary Departmental Receipts. The Evidence Custody Document needs to be completed only for drug evidence.
- D. Items presenting safety hazards, including but not limited to knives, razor blades...etc., submitted for testing as an item of paraphernalia with the largest quantity of adhering drug residue, shall be packaged to reduce safety risks.
- E. Drug evidence that is to be submitted for latent fingerprint testing is to be submitted to the Laboratory Section and secured in a drug-evidence bin, along with the necessary Departmental Evidence Receipts, Evidence Custody Document, and W.P.D. Request for Laboratory Examination.
- F. Found property drugs must be submitted at any Patrol Substation or the Property and Evidence Facility, with the necessary Departmental Evidence Receipts.
- G. All Officers shall adhere to the placards in the Laboratory Section, Patrol sub-stations, and Property and Evidence Facility Officer-Turn-In-Room, 410 N. Waco for the correct packaging and marking of drug evidence.

#### SUBMITTING ALCOHOL EVIDENCE

- 708.17 All alcohol evidence can be submitted to any Patrol sub-station. Alcohol evidence requiring testing for latent finger prints must be submitted to the Laboratory Section with the WPD Request for Laboratory Examination along with the Departmental Evidence Receipt. Evidence requiring immediate testing (felony cases, hold for State warrant, etc.) at the Sedgwick County Regional Forensic Science Center (SCRFSC) must have the Evidence Custody Document and SCRFSC Laboratory Examination Request form, along with the Departmental Receipt. EXCEPTION: The Service Officer will complete the SCRFSC forms on cases charged through Municipal Court. Alcohol evidence must be separated from other evidence.

#### SUBMITTING MONEY [CURRENCY]

- 708.18 All amounts of money shall be counted by the submitting Officer and at least one (1) other Department member. An electronic bill counter is available in the Officer-Turn-In-Room to assist Officers with accurate totals of monies. Both the Officer and the witness shall sign the Departmental Evidence Receipt. Money shall be placed by itself into an evidence envelope or sack and sealed with evidence tape. The tape shall be marked with the Officer's initials and identification number. The total being submitted shall be written on the envelope and Departmental Evidence Receipt.
- A. MONEY UNDER \$1,000 shall be submitted to any Patrol sub-station evidence locker or the Property and Evidence Facility, unless it needs to be processed by the Laboratory Section.
  - B. MONEY OVER \$1,000 shall be submitted only at the Property and Evidence Facility, Officer-Turn-In-Room, 410 N. Waco, and shall be placed into the drop safe that is located on the East wall.

#### SUBMITTING WET AND/OR BLOOD-STAINED CLOTHING

- 708.19 Wet and/or blood-stained clothing must be dry before it is packaged. Wet and/or blood-stained clothing, un-related to a Homicide investigation, shall be placed in the drying cabinet units, located in the Officer Evidence Turn-in Area at the Property and Evidence facility. Officers will separate the clothing with sheets of clean brown “Kraft” paper to prevent cross contamination of evidence. The paper will be placed in a trash container to be destroyed after the clothing is dry. Separate Departmental Evidence Receipts and packaging shall be completed and left by the cabinet for those items being stored. The submitting Officer should return to the drying cabinet by the conclusion of his/her current working shift when possible, and must return at the beginning of his/her next working shift, in order to submit the garments in the same manner as all other physical evidence.

Following retrieval and packaging of the garments, Officers will sanitize/disinfect the drying cabinet in which the garments were stored.

**708.20 SUBMITTING WET AND/OR BLOOD-STAINED CLOTHING RELATED TO HOMICIDE INVESTIGATIONS**

Wet and/or blood-stained clothing must be dry before it is packaged. Wet and/or blood-stained clothing related to a Homicide investigation will be collected by a Crime Scene Investigator if possible. Wet and/or blood-stained clothing related to a Homicide investigation will be stored and dried within the drying cabinet units, located within the CSI Evidence Turn-in Area at the Property and Evidence facility, for potential trace evidence preservation.

Officers collecting wet and/or blood-stained clothing related to a Homicide investigation will contact a Persons Crimes or Technical Services Supervisor for approval.

Separate Departmental Evidence Receipts and packaging shall be completed and left by the cabinet for those items being stored. The submitting Officer should return to the drying cabinet by the conclusion of his/her current working shift when possible, or must return at the beginning of his/her next working shift, in order to submit the garments and trace evidence filter in the same manner as all other physical evidence.

Following retrieval and packaging of the garments, Officers will sanitize/disinfect the chamber in which the garments were stored.

**SUBMITTING BICYCLES**

- 708.21** Bicycles shall be turned into the Officer Evidence Turn-in Area of the Property and Evidence Facility. The bicycle shall be marked with a tag wired to the handlebars. The Departmental Evidence Receipts shall be stapled to the tag. The receipt should include the make, model, serial number, speed, size, and color of the bicycle.

**SUBMITTING SEXUAL ASSAULT KITS**

- 708.22** Sexual Assault Evidence Kit: Crime Scene Investigators who collect sexual assault kits from local hospitals or other facilities must submit the kits at the WPD laboratory or the Property and Evidence Facility. Crime Scene Investigators will follow the posted instructions at the Officer Evidence Turn-in Area of the Laboratory or Property and Evidence.
- A. Other associated evidence, such as the victim's clothing, will normally be received from the nursing staff in sealed bags/containers. The Crime Scene Investigators will obtain information from the nursing staff as to the condition and contents of the items inside the sealed package. Crime Scene Investigators will not break the seal of the package unless the clothing is not dry. The Crime Scene Investigators will mark the exterior of the sealed package with the WPD case number, date acquired, officer's initials and I.D. number. That sealed package will then be placed in appropriate WPD packaging material then sealed and submitted at any Property and Evidence Turn-in Area other than the laboratory.
  - B. Packages containing items that are wet must be transported to the Property and Evidence Facility. Officers will open the sealed package and place the moist clothing in the drying cabinet to dry. Officers will return to Property and Evidence within twenty-four (24) hours of your next work day to remove the dried clothing from the drying cabinet. Officers will carefully repackage the dried evidence in the original package in which it was received. The Officer will tape up the area where he/she opened the original package and initial the new tape seal. The Officer will then submit the tape sealed original package into appropriate WPD outside packaging. The package will then be sealed and submitted to Property and Evidence as evidence.

**SUBMITTING LARGE ITEMS**

- 708.23** Items too large to fit securely in the evidence lockers provided at the Patrol sub-stations shall be taken to the Property and Evidence Facility located at 430 N. Waco (North side of the Rounds and Porter building) [e.g., console TV].
- R**
- A. The following items shall always be turned in at the hazardous storage area located at 430 N. Waco (North side of the Rounds and Porter building).
    - 1. Large motors, vehicle parts, auto batteries, tires;
    - 2. Lawn mowers;
    - 3. Flammables including gas cans, barrels and other containers used to hold volatile materials;
    - 4. Any other item too large to be accommodated in the Officer Evidence Turn-in Area at the Property and Evidence Facility. When property is submitted at this location, completed Departmental Evidence Receipts shall be turned in at any evidence locker before the end of the Department member's shift. The receipts shall be marked with the words: "Hazardous storage." Each item shall have a tag wired to it or have the case number marked in permanent marker on it.

- B. Officers will enter the hazardous storage area through the west side door marked Hazardous Storage. Officers must use their WPD identification/proxy card to gain access to the facility.
- C. Placards placed on the wall will indicate where property is to be placed. All items will be placed in the area that is specified by year.

#### SUBMITTING DOCUMENT EVIDENCE

708.24 R When a Departmental member collects document evidence [e.g. notes, counterfeit ID's, checks, money orders, US currency, store receipts, mail, lists of lost or stolen property, etc.] that will not be processed for latent fingerprints or trace evidence, the Officer will:

- A. Make, or have made, an image or photocopy of the original document(s) prior to submitting the original(s) as physical evidence.
- B. Prior to the end of their tour of duty, the Officer or employee shall submit the image or photocopy of the document(s) with his/her mail to Records to be scanned into LaserFiche and filed in the case jacket by Records personnel.
- C. When large numbers of documents are seized:
  - 1. The Department member shall make images or photocopies of a reasonable sampling of the original documents that support probable cause of the crime alleged.
  - 2. Prior to the end of their tour of duty, the Department member shall submit the images or photocopies with his/her mail to Records to be scanned into LaserFiche and filed in the case jacket by Records personnel.
- D. The original document evidence should be sorted, packaged, and itemized by identifiable victim name or identifying numbers when possible, and shall be turned in to the Property and Evidence Facility as physical evidence.

#### SUBMITTING EVIDENCE IN SHOPLIFTING CASES

708.25 R In all shoplifting cases [felony and misdemeanor] occurring at stores where store personnel wish to photograph their evidence so that it may be returned to inventory. Refer to Policy 707.

- A. Have a representative of the store photograph the evidence [whether perishable or non-perishable] in the hands of a store employee, or in some setting that clearly shows the size of the object.

708.26 R In shoplifting cases involving businesses that do not have a camera, Officers shall adhere to the following:

- A. In felony cases involving non-perishable items, the evidence shall be turned into either the Patrol sub-stations or Property and Evidence Facility evidence lockers.
- B. In felony cases involving perishable items, an official, Departmental photograph of the evidence shall be taken. The evidence shall then be released to its owner.
- C. In misdemeanor cases involving perishable or non-perishable items, an official, Departmental photograph of the evidence shall be taken. The evidence shall then be released to its owner.

#### IN ALL OTHER TYPES OF THEFT CASES

708.27 R Evidence may be returned to its owner after official Departmental photographs have been taken. In these instances, Policy 707 shall be followed.

#### PERISHABLE EVIDENCE [OWNER NOT KNOWN / AVAILABLE]

708.28 If the owner of perishable evidence is unknown or cannot be located, a field supervisor should be contacted for instructions regarding its disposition.

#### SUBMITTING FIREARMS

708.29 R All firearms shall be turned in as physical evidence regardless of the circumstances under which they are obtained. Firearms are never submitted as found property or personal property. All Firearms will be submitted UNLOADED, if possible, to the Property and Evidence Facility located at 410 N. Waco, unless the firearms require processing for latent fingerprints or trace evidence.

- A. Officers shall exercise caution and practice safe handling procedures while transporting and unloading all firearms. When unloading a firearm, Officers shall use one of the bullet containment devices available at the

Patrol sub-stations or at the Property and Evidence Facility. Officers shall follow the Firearms Clearing Procedure Placard provided with the clearing traps.

- B. Officers who are unable to safely unload a firearm shall submit the firearm at the Property and Evidence Facility in the evidence cabinet marked: "LOADED."
  - 1. Officers will not attempt to unload any black powder firearm.
  - 2. Officers will be notified to promptly contact the Property and Evidence Section to mark their evidence after the firearm has been made safe.
- C. The emptied firearm shall be submitted as evidence in the manner described on the wall placards in the Officer Evidence Turn-in Area before placing it in a gun cabinet.
- D. The emptied firearm shall be placed in a gun cabinet with the proper Departmental Evidence Receipts placed unattached alongside the firearm. If the firearm has a magazine, it will be emptied and re-inserted into the firearm. The ammunition removed from the firearm shall be placed in a firearms coin envelope and placed unattached alongside the firearm from which it was recovered.
- E. The firearm will be left open showing an emptied chamber, if possible.
- F. Ammunition found, not loaded in a firearm, that needs to be submitted shall be submitted in a 5" X 8" envelope with a separate Departmental Evidence Receipt. All turned in ammunition shall be turned in as physical evidence regardless of the circumstances under which it was obtained. Ammunition is never to be submitted as found property or personal property.

#### FIREARMS SUBMITTED TO LABORATORY

708.30 R All firearms involved in a death investigation (e.g. homicide, suicide, accident) or a felony investigation (e.g. robbery, aggravated assault, sexual assault, felony weapons possession, narcotics), which need to be processed for latent fingerprints or trace evidence, shall always be submitted to the WPD Laboratory.

- A. All firearms submitted to the WPD Laboratory shall be submitted with the proper Departmental Evidence Receipts. The words "LOADED" will be printed in large letters on the face of the receipt. Officers shall leave the evidence tag and appropriate paperwork with the firearm. The evidence tag shall not be attached to the firearm until after the firearm has been processed. Officers shall not mark the firearm for identification and will handle it as little as possible so not to disturb any trace evidence. Officers will be notified after forensic testing is completed to submit the firearm into evidence.
- B. The submitting Officer shall complete the WPD Request for Police Laboratory Examination form describing the type of examination or processing that is being requested.
- C. The firearm shall be placed in the cabinet under the counter in the Officer Evidence Turn-in Room of the WPD Laboratory. All Departmental Evidence Receipts and Requests for Examinations shall be placed with the weapon.
- D. After the firearm has been processed, the submitting Officer will be notified to promptly pick up and submit the firearm to the Property and Evidence Facility located at 410 N. Waco. The firearm shall be secured in a gun cabinet in the Officer Evidence Turn-in Area.

#### REQUEST FOR EXAMINATION EVIDENCE BY THE SEDGWICK COUNTY REGIONAL FORENSIC SCIENCE CENTER (SCRFSC)

708.31 R The Department member requesting examinations at the SCRFSC shall adhere to the following procedures:

- A. Evidence from drug, paraphernalia, or alcohol cases that already have been or will be charged using a citation or UCC in Municipal Court will not be sent to SCRFSC for testing and the Officer submitting the evidence will not complete the Laboratory Examination Request form. This does not apply to blood in DUI cases.
- B. Evidence from cases considered HFSW, or other classifications of cases that will be considered for prosecution in courts higher than Municipal Court will be submitted for testing at the SCRFSC.
- C. The procedure for submitting evidence to the SCRFSC having no immediate urgency for examination will be as follows:

1. The Department member shall submit to the Property and Evidence Facility the SCRFSC Evidence Receipt and Examination Request forms describing the evidence, bin location, and specific examination requested.
  2. The WPD Service Officer will pull the described evidence and attach the SCRFSC Evidence Receipt and the SCRFSC Examination Request, log the evidence out to the SCRFSC for examination or testing, and transport it in a manner consistent with the WPD Technical Services Bureau and SCRFSC S.O.P.
  3. When the examination and written reports have been completed by the SCRFSC Technician, the evidence and report will be returned to the WPD Property and Evidence Section in a manner consistent with the WPD and SCRFSC S.O.P.
  4. Reports from the SCRFSC Technician shall be delivered promptly by the Service Officer for immediate distribution.
- D. The procedure for submitting evidence to the SCRFSC needing examinations in exigent circumstances will be as follows:
1. If the evidence is still in the custody of the Lab Section, the Department member will hand carry to the WPD Service Officer or the Lab Supervisor the completed SCRFSC Evidence Receipt and Laboratory Examination Request describing evidence, the bin location where it is stored, and examination being requested.
  2. The Service Officer/Lab Supervisor will pull the described evidence and log it out to the Department member for examination at the SCRFSC.
  3. The requesting Department member will be responsible for transporting the evidence to the Evidence Technician at the SCRFSC.
  4. When the examination and written reports have been completed by the SCRFSC Technician, the SCRFSC Evidence Technician will call the submitting Department member requesting that the evidence and report be promptly picked up.
  5. The Department member who checked the evidence out from the Lab shall be responsible for promptly returning the evidence to the Lab Section. The Service Officer will return evidence checked out from the WPD Property and Evidence Section.
- E. Sedgwick County Regional Forensic Science Center Evidence Custody Documents, attached to all exterior packages containing "weighable amounts" of drugs or an item of paraphernalia bearing the largest quantity of adhering drug residue, shall be completed in a thorough manner. Each individual item contained within shall be inventoried and specified in the appropriate area of the document. For example... *(Item #1) (1) Black "John Doe" brand eyeglass case containing (3) clear plastic baggies of unknown green botanical substance.*
- F. With the previously listed provisions considered, Officers submitting drugs and drug-related evidence to the Sedgwick County Regional Forensic Science Center for testing shall utilize their training, knowledge, and expertise in exercising sound judgement regarding the items submitted, based upon the specific details of the case at hand and what is deemed necessary for charging purposes. As a general guideline, submit for testing only that which is necessary to charge the case.

#### INDICATORS ISSUED BY THE TECHNICAL SERVICES DIVISION

- 708.32 R The Technical Services Bureau is responsible for examining all evidence submitted to that unit. The Property and Evidence Section shall verify that evidence has been properly identified and submitted, and that all necessary forms have been correctly completed.
- A. When an error is found in an identification marking, or in completion of forms or tags, or in the submission of any property, Technical Services Section personnel shall follow the instructions for indicators on the Police Secure Portal Shared Documents site.
  - B. Upon receiving an indicator issued by the Technical Services Section, the submitting Officer shall immediately contact the appropriate section and make any corrections required to properly submit the evidence. Should the indicator require that a physical evidence receipt and/or tag be revised, the Officer shall complete a new evidence receipt or tag and shall submit as physical evidence [under the original Incident Number] the receipts and/or tags which were previously submitted incorrectly. The revised receipts and/or tags shall be submitted with the



evidence. The Officer shall complete a Supplemental Incident Report, detailing all corrective action(s) taken in re-submitting evidence.

#### EVIDENCE CHECK-OUT SYSTEM

- 708.33 R Department members needing evidence for court shall check it out from the Property and Evidence Facility between 0745 and 1645 hours on the day it is needed. [EXCEPTION: latent fingerprints, which are checked out from the Laboratory Section]. All evidence leaving the Property and Evidence Facility must be checked out and entered into the computer tracking system. Evidence required for court shall be obtained only after the Department member who is assigned to the case receives a determination from Court Liaison Personnel or prosecuting attorney that the case will go to trial. The Department member shall be responsible for the custody and packaging of evidence not retained as evidence by the court.
- A. The Department member who checked evidence out for court shall be responsible for returning it to the Property and Evidence Facility at the conclusion of the court proceeding. Evidence checked out from the Laboratory shall be returned to the Laboratory.
1. In the event evidence is held by the court, the Department member who checked it out shall be responsible for notifying the Property and Evidence Section.
  2. When notification is made to collect evidence that is held by the court or District Attorney, the evidence shall be picked up and returned to the Property and Evidence Facility.
    - a. When packages are sealed and have not been tampered with, a general notification can be made to the Property and Evidence Section to pick up the evidence.
    - b. When open packages need to be picked up, the Court Liaison is to contact the case Detective who is to inventory and seal the packages prior to Property and Evidence personnel transporting the packages to the Property and Evidence facility.
    - c. When an Department member is notified by the Court or District Attorney of the evidence to be picked up, it shall be the responsibility of the Department member to pick up the evidence and return it to the Property and Evidence Facility.
  3. If the checked-out evidence consists of drugs or narcotics and the original packaging of the evidence has been tampered with [e.g., the package containing the evidence was opened as an official part of a court proceeding] between the time it was signed out and the time it is returned, the evidence must be resealed by the Officer and returned to the Property and Evidence facility or any Patrol sub-station.
- B. Any Department member who receives a subpoena to produce evidence for the defense shall notify the Bureau Commander responsible for the type of case involved. The Bureau Commander shall notify the City Attorney and prosecuting attorney to obtain their advice on the proper course of action to follow.

#### GENERAL GUIDELINES FOR RELEASE/DISPOSAL OF EVIDENCE AND PROPERTY

- 708.34 R State Statute K.S.A. 21-5107 dictates that Department members receive computer printouts from the Property and Evidence Section for all property held as physical evidence for five (5) years. All cases assigned through the Case Management System will be sent directly to the member through their section supervisor. All unassigned cases will be sent to the proper section supervisor. Detectives and their supervisors will be given fifteen (15) working days to properly indicate the disposition of the property and return the printout to the Property and Evidence Section so that proper disposition can be made. Whenever any type of property or evidence is either released to an owner or marked for destruction, the Detective or supervisor completing the purge report shall also complete a supplement in EJustice under the appropriate case number justifying the disposition of the property and evidence. This process will also include the disposal of firearms, with the addition that the Detective or supervisor will follow Policy 708.39 and ensure that the weapon(s) is not listed as stolen in NCIC.
- A. If the evidence/property to be released exceeds \$1,000 or more in value, the Department member or supervisor authorizing its release shall be responsible for having a photograph taken which shows the owner [or person who receives the property] with the property released. The photograph will be a permanent part of the case.
- B. Prior to release of evidence or property, a member of the Property and Evidence Section shall request the person to whom it is to be released present a valid form of photo identification. The type of photo identification presented shall be noted on the Receipt for Property. Should the person have NO valid photo identification in his/her possession, the property shall not be released.
- C. Firearms that are released must indicate if the case was filed in Municipal, District, or Federal Court.

- D. No evidence will be disposed of in the following crimes as long as they remain unsolved without proper authorization from the Prosecuting Jurisdiction.
1. Homicide investigation;
  2. Terrorism;
  3. Use of Weapons of Mass Destruction;
- E. If biological evidence is present in the following cases, all evidence will be retained until the case is solved or the suspect has completed his/her entire sentence.
1. Rape
  2. Aggravated indecent liberties/Indecent liberties
  3. Aggravated Sodomy/Sodomy
  4. Aggravated Indecent Solicitation of a Child/Indecent Solicitation of a Child
  5. Aggravated Sexual Exploitation of a Child/Sexual Exploitation of a Child
  6. Aggravated Sexual Battery
  7. Aggravated Incest
- F. All Evidence in cases with convictions pertaining to the crimes listed in 708.34 (D) & (E) will be retained until the defendant has completed his/her entire sentence, is deceased or by court order.
- G. All Evidence involved in felony convictions will be retained until the suspect has completed his/her entire sentence, is deceased, or by court order.
- H. Evidence retained in misdemeanor cases will be held for five (5) years per Kansas statute of limitations, unless the defendant/suspect is deceased, has completed his/her entire sentence and appeal period, court ordered destruction, or the case has been disposed of prior to prosecution by Lack of Prosecution (LOP). Evidence on cases dismissed without prejudice will be held for five (5) years unless there is a court ordered disposition or prosecutor approval for disposition, prior to the expiration of the five (5) year period.

**RELEASE/DISPOSAL OF PERSONAL PROPERTY**

708.35 Unclaimed or unwanted personal property shall be disposed of by the Property and Evidence Section in accordance with the following guidelines:

- A. After the personal property has been in custody for seven (7) days and remains unclaimed, a letter shall be sent to its owner, if known. The letter will inform the owner that the property is in Departmental custody and that it will be held for a period of thirty (30) days from his/her receipt of the letter. If the property is not claimed during normal business hours by the end of the thirty (30) day period, it will either be destroyed or sold at public auction in accordance with Title 2, Chapter 2.20 of the Code of the City of Wichita. If the letter is returned undeliverable, it will be made a permanent part of the case.
- B. When the legal owner or person entitled to possession of the personal property cannot be located, or indicates he/she does not wish to have the property returned, the item(s) shall either be sold at auction or destroyed.
- C. The legal designee, legal guardian and/or Power of Attorney, may sign the Wichita Police Department Property Notarized Release Form (WPD Form 32-071) and Vehicle Notarized Release Form (WPD Form 32-070) to allow a designee to retrieve Property from the Property and Evidence Section.

**RELEASE/DISPOSAL OF FOUND PROPERTY**

708.36 After found property has been in police custody for seven (7) days and remains unclaimed, a letter shall be sent to its owner, if known. The letter will inform the owner that the property is in Departmental custody, and that the item(s) may be picked up during normal business hours. The letter shall also advise that the property shall be held for a period of thirty (30) days, and that if not claimed by him/her during that time, the property may be claimed by its finder ["person entitled to possession"]. If the letter is returned undeliverable, it will be made a permanent part of the case. If

the property is not claimed by either its rightful owner or by its finder, it will either be destroyed or sold at public auction in accordance with Title 2, Chapter 2.20 of the Code of the City of Wichita. The Wichita Police Department is NOT REQUIRED to send a letter to the finder of property to notify them of the fact that its rightful owner has failed to claim it within the initial thirty (30) day time period.

- A. The legal designee, legal guardian and/or Power of Attorney, may sign the Wichita Police Department Property Notarized Release Form (WPD Form 32-071) to allow a designee to retrieve Property from the Property and Evidence Section.

#### RELEASE/DISPOSAL OF NON-FIREARM PHYSICAL EVIDENCE

708.37 Only WPD Detectives and/or supervisors may approve the release of property being held as physical evidence through R the use of a Receipt for Property [WPD Form 322-400]. When property being held as physical evidence by the Property and Evidence Section is no longer needed, the items shall be returned to the owner after the Department member assigned to the case [or his/her supervisor] prepares and signs a Receipt for Property [WPD Form 322-400] to authorize release of the item(s). The form shall be forwarded to the Property and Evidence Section and the owner shall be advised that the item(s) may be picked up there during normal business hours. The Department member/supervisor authorizing release of the property shall inform the owner that valid photo identification must be presented to the property clerk and that there is a 24-hour waiting period prior to the property being released. Property will not be released without photo identification. WPD Detectives and supervisors shall update the synopsis of each case from which property is being released. The updated information shall include the name and ID of the Detective/supervisor authorizing the release, the name of the party to whom the property is being released, and the date of release.

- A. When the legal owner or person entitled to possession of evidence and/or property cannot be located, or indicates he/she does not wish to have the property returned, the item(s) shall either be sold at auction or destroyed.
- B. Explosives, incendiary devices, and volatile materials shall not be released. They shall be destroyed by a formally trained bomb technician. The case detective/supervisor shall be responsible for authorizing release of boxed ammunition only. Firearms and ammunition shall not be released together. Ammunition not retained for Departmental use shall be destroyed.
- C. Firearms, drugs, and drug paraphernalia that has been ordered destroyed, shall be disposed of under the direction of the Supervisor of the Property and Evidence Section in the presence of a witness from Auditing and Accounts, as assigned by the Controller.
- D. Upon receiving proper authorization, Laboratory personnel shall destroy photographic evidence, fingerprint layouts, scale drawings of crime scenes, latent fingerprints, charts, and other items used as demonstrative aids according to the Technical Services Bureau S.O.P.
- E. All other physical evidence that is ordered destroyed shall be destroyed by authorized personnel assigned to the Property and Evidence Section, and be witnessed by the Property and Evidence Supervisor.

#### FOUND PROPERTY FIREARMS

708.38 The procedure for handling firearms that are recovered as part of a found property case and submitted as evidence will R be as follows:

- A. All firearms recovered by the Wichita Police Department as found property will be submitted to the Property and Evidence Facility as evidence. Property and Evidence Section personnel will delivered a detailed list of ALL firearms recovered by the WPD to the local ATF Office weekly so that their records may be updated.
- B. A Larceny Section supervisor/Detective will review all found property cases involving firearms in the monthly purge report.
- C. A Larceny Section supervisor/Detective will conduct local and NCIC records checks to determine if the owner of the firearm can be located.
- D. If an identifiable owner has been located, then the supervisor/Detective will release the firearm pursuant to Policy 708.40

#### DISPOSAL OF FIREARM EVIDENCE

708.39 When the evidence to be disposed of is a firearm and no identifiable owner can be located, the purge reports and R computer printouts of firearms to be disposed of will be forwarded to the supervisor of the Property and Evidence Section. Firearms that cannot be returned to a legal owner will be handled in the following manner:

- A. On the fifteenth days of the months of January, April, July and October, the Property and Evidence Section Supervisor shall forward a list of all firearms that cannot be returned to legal owners to the Investigations Division Commander.

- B. The Investigations Division Commander shall appoint a person knowledgeable about firearms to personally inspect and inventory them. The person conducting the firearms inventory shall develop lists composed of the following categories as directed by City Code Section 5.88.010(5):
1. Firearms to be used by the Wichita Police Department or to be traded to a licensed federal firearms dealer for other new or used firearms or accessories for departmental use;
  2. Firearms to be forfeited to the Kansas Bureau of Investigation for law enforcement testing, comparison, or destruction by the Kansas Bureau of Investigation's Forensic Laboratory;
  3. Firearms to be forfeited to the Sedgwick County Regional Forensic Science Center for testing, comparison, or other forensic purposes; or
  4. Firearms to be sold at a public auction;
- Any weapon that cannot be forfeited due to the condition of the weapon, and any weapon which was used in the commission of a felony as described in K.S.A. 21-5401, 21-5402, 21-5403, 21-5404, and 21-5405, and amendments thereto, shall be destroyed.
- C. After such a determination has been made, the Commander of the Investigations Division shall forward the lists of firearms to be disposed of to the City of Wichita Department of Law for presentation to the City Council.
- D. Once the Department of Law has obtained necessary City Council permission, the Investigations Division Commander shall direct the Property and Evidence Section supervisor to dispose of the listed firearms as directed by City Code 5.88.010 (5).

#### RELEASE OF FIREARM EVIDENCE

- 708.40 R Prior to releasing a firearm to an identifiable owner, the supervisor/Detective will conduct a complete records check to include Municipal Court, District Court, and TRIPLE I on the owner prior to releasing the firearm, to ensure the defendant has not been convicted in Municipal or District Court of committing a crime involving firearms or Domestic Violence. The TRIPLE I check shall be noted on the WPD Property Release [Form 322-400]. In addition, the following criteria should be used when determining whether a firearm can be released to an owner:
- A. A firearm shall not be released if the owner is prohibited from possessing a firearm under the following Federal Guidelines:
1. If the owner has been convicted of any federal felony for which the judge imprisoned the owner for more than one year then the owner is prohibited from possessing a firearm for life.
  2. If the owner has been convicted in any court of a misdemeanor crime of domestic violence the owner is prohibited from possessing a firearm for life.
- B. A firearm shall not be released if the owner is prohibited from possessing a firearm under the appropriate State guidelines.
- C. If a firearm is seized from an individual and the individual is not convicted of or adjudicated as a juvenile offender for the violation for which the weapon is seized, then within 30 days after the declining of charges or conclusion of prosecution of the case against the individual, including any period of appeal, the Wichita Police Department shall verify that the weapon or firearm is not stolen and the individual is entitled to possession and upon such verification, shall notify the person from whom it was seized that the weapon may be retrieved. Such notification shall include the location where such weapon or firearm may be retrieved.
- D. Any firearm confiscated in connection with any violation of City Code Section 5.88.010 shall be returned to the person entitled to possession, if known, when the firearm is no longer needed for evidence. All other firearms shall be disposed of in accordance with this policy.